

**ZONING COMMITTEE
MINUTES
WEDNESDAY, OCTOBER 29, 2008**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, October 29, 2008** in Committee Room 2, at 11:15 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Natalyn Archibong, Vice Chair
The Honorable Howard Shook
The Honorable Joyce Sheperd
The Honorable Anne Fauver**

The following members were absent:

**The Honorable Carla Smith
The Honorable C. T. Martin**

Others present at the meeting were: Zoning Administrator Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorneys Lem Ward and Peter Andrews, Law Department; and members of the Public and Council staff.

- A. ADOPTION OF AGENDA - ADOPTED BY ADDING THREE PIECES OF LEGISLATION**
- B. APPROVAL OF MINUTES - APPROVED**

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

08-O-2071 (1) An Ordinance by Zoning Committee to amend the City of
Z-08-78 Atlanta Code of Ordinances, Part 16, Zoning, of the City's Land Development Code for the purpose of creating a New Planned Development Zoning District, entitled "Planned Development-Conservation Subdivision (PD-CS)" and associated regulations; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-2123 (2) An Ordinance by Zoning Committee to amend Ordinance 05-
Z-66-95C O-1443, adopted by City Council on September 6, 2005 and Approved by the Mayor on September 12, 2005 for property located at **751 Monroe Drive, NE**, to approve a Change of Ownership of A Special Use Permit for Parking

FAVORABLE - TO BE REFERRED TO ZONING COMMITTEE

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

08-O-2124 (3)
Z-08-70

An Ordinance by Zoning Committee to rezone from the R-5/HD20K Subarea #1 (Two Family Residential/Grant Park Historic District - Residential Subarea #1) District to the NC-7/HD20K Subarea #2 (Neighborhood Commercial/Grant Park Historic District Commercial Subarea #2), property located at **428 Boulevard Street, SE. (also known as 360 Boulevard, 614, 620 and 624 Glenwood Street, SE)**, fronting approximately 231.70 feet on the north side of Glenwood Avenue and approximately 70 feet west of the intersection of Glenwood Avenue and Berean Avenue.

Depth: Varies
Area: Approximately .279 Acre
Land Lot: 21, 14th District, Fulton County, Georgia
Owner: Joel Sadler
Applicant: Joel Sadler

NPU-W **Council District 1**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-2125 (4)
Z-08-73

An Ordinance by Zoning Committee to rezone from the R-4 (Single Family Residential) and NC-2 (Neighborhood Commercial) Districts to the NC-2 (Neighborhood Commercial) District, property located at **1146 Portland Street, SE, 1152 Portland Street, SE, 1131 Glenwood Avenue, SE, 1137 Glenwood Avenue, SE 525/527 Moreland Avenue, SE, 529 Moreland Avenue, SE, 535 Moreland Avenue, SE and 537 Moreland Avenue, SE,** fronting approximately 250 feet on the north side of Portland Avenue, approximately 300 feet on the west side of Moreland Avenue and approximately 250 feet on the south side of Glenwood Avenue.

Depth: Varies
Area: Approximately 1.75 Acres
Land Lot: 12, 14th District, Fulton County, Georgia
Owner: George Rohrig
Applicant: Joseph Alcock

NPU-W Council District 1

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-2126 (5)
Z-08-75 An Ordinance by Zoning Committee to rezone from the R-4 (Single Family Residential) to the PD-H (Planned Development-Housing) District, property located at **1185 Sheridan Road, NE**, fronting approximately 108.6 feet on the south side of Sheridan Road and approximately 718 feet east of the intersection of Cheshire Bridge Road and Sheridan Road.

Depth: Approximately 429 Feet
Area: Approximately 1.1 Acres
Land Lot: 5, 17th District, Fulton County, Georgia
Owner: John E. Deloach
Applicant: Robert A. Pollock

NPU-F

Council District 6

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-2127 (6)
U-08-27 An Ordinance by Zoning Committee granting a Special Use Permit for a Church (Section 16-06.005(1)(c) for property located at **4555 Campbellton Road, SW**, fronting approximately 250 feet on the north side of Campbellton Road and approximately 446 feet west of the intersection of County Line Road.

Depth: Varies
Area: Approximately 8.66 Acres
Land Lot: 65, 14th District, Fulton County, Georgia
Owner: Greater Elizabeth Missionary Baptist Church
Applicant: John T. New

NPU-P

Council District 11

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

08-O-2129 (7)
U-92-23 An Ordinance by Zoning Committee to amend Ordinance U-92-23, adopted by City Council November 2, 1992 and approved by the Mayor, November 5, 1992 for property located at **2960 Waters Road, SE** to approve a Transfer of a Special Use Permit for a Group Home.

**FAVORABLE - TO BE REFERRED TO ZONING
COMMITTEE**

D. ZRB SUMMARY REPORT

E. PAPERS HELD IN COMMITTEE

06-O-0273 (1) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

06-O-0007 (2)
Z-05-65 An Ordinance by Councilmember Carla Smith **as amended by Zoning Committee** to rezone the portion of the property located at **1821 W. Anderson Avenue** that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0022 (3)
U-05-22

An Ordinance by Councilmember Carla Smith to issue a Special Use Permit for a Nursing Home at 1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue); to waive the 2,000 foot distance requirement for this location; and for other purposes. (Held 6/28/06 at the request of Councilmember of the District)

HELD

06-O-0955 (4)
Z-06-44

A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**

Depth: Varies
Area: Approximately 8.719 Acres
Land Lot: 55, 14th District, Fulton County, Georgia
Owner: Jack and Harvey Taffel
Applicant: Chaz E. Waters/Skyline Partners, LLC.
NPU-Y Council District 1

HELD

06-O-1927 (5) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0396 (6)
CDP-07-09 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **349 14th Street**, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. **(1st Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07 awaiting companion Zoning legislation) (Favorable by CD/HR Committee 3/27/07) (Held 3/28/07 at the request of the applicant)**

NPU-E

Council District 2

HELD

07-O-0148 (7)
Z-06-138 An **Amended** Ordinance by Zoning Committee to rezone from the C-2 (Commercial Service) District to the MRC-3-C (Mixed Residential-Commercial Conditional) District, property located at **349 Fourteenth Street, NW**, fronting approximately 134 feet on the south side of 14th Street, at the southwest corner. **(Held 3/28/07 at the request of the applicant)**

Depth: Approximately 152 Feet

Area: Approximately 0.47 Acre

Land Lot: 149, 17th District, Fulton County, Georgia

Owner: Julian W. Rikard

Applicant: Michael Gamble

NPU-E

Council District 2

HELD

06-O-1445 (8)
Z-06-74 An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**

Depth: Varies

Area: Approximately 27 Acres

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E. PAPERS HELD IN COMMITTEE (CONT'D)

Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Atlanta Neighborhood Development Partnership
Applicant: Marvin Greer
NPU-H **Council District 10**

HELD

06-O-2308 (9)
Z-06-113 An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. **(Filed by ZRB and Zoning Committee 5/20.07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)**

Depth: Approximately 74 Feet
Area: Approximately 0.861 Acre
Land Lot: 17, 14th District, Fulton County, Georgia
Owner: Robert T. Budd
Applicant: Kevin A. Ross
NPU-N **Council District 2**

HELD

06-O-1888 (10)
CDP-06-65 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07)**

NPU-H **Council District 1**

HELD

07-O-2594 (11) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow

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E. PAPERS HELD IN COMMITTEE (CONT'D)

for the construction of two (2) Signs at 100 Auburn Avenue, NE;
and for other purposes. **(Held 12/12/07)**

HELD

06-O-2697 (12) An Ordinance by Councilmember Carla Smith to amend
Z-06-144 Chapter 28 of Part 16 of the Atlanta City Land Development Code
to provide for density increases in exchange for affordable
workforce housing; to define certain terms; to provide limitations
and requirements; and for other purposes. **(Held 1/30/08)**

HELD

08-O-1009 (13) An Ordinance by Community Development/Human
CDP-08-22 Resources Committee to amend the Land Use Element of the City
of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-
designate property that is located at **1040 Grant Street**, from
"Industrial" Land Use Designation to "Mixed Use" Land Use
Designation; and for other purposes. **(Public Hearings held
6/9/08 and 9/8/08) (Favorable by CD/HR Committee 9/9/08)
(Favorable by Zoning Committee 9/10/08) (Referred back by
Full Council 9/15/08) (Held 10/1/08)**
NPU-W Council District 1

HELD

08-O-0838 (14) An Ordinance by Councilmember Ivory L. Young,
Z-08-20 Jr. **as amended by Zoning Committee** to rezone from the I-1
(Light Industrial) District to the MRC-3-C (Mixed Residential-
Commercial-Conditional) District, property located at **1040 Grant
Street, SE**, fronting approximately 194.5 feet on the east side of
Grant Street at the intersection of Grant Circle. **(Favorable by
Zoning Committee 9/10/08) (Referred back by Full Council
9/15/08) (Held 10/1/08)**

Depth: Approximately 360 Feet

Area: 1.57 Acres

Land Lot: 42, 14th District, Fulton County, Georgia

Owner: David S. Stith (for Grant Street Partners)

Applicant: Caleb Racioct (for Grant Street Partners)

NPU-W Council District 1

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1764 (15) An **Amended** Ordinance by Zoning Committee to rezone from the R-4A (Single-Family Residential) District to the C-1-C (Community Business-Conditional) District, property located at **814 Bellemeade Avenue, NW**, fronting approximately 108 feet from the southeast corner of Bellemeade Avenue and Howell Mill Road. **(Held 10/29/08)**

Depth: Approximately 140.63 Feet
Area: Approximately 0.35 Acre
Land Lot: 152, 17th District, Fulton County, Georgia
Owner: 814 Bellemeade, LLC
Applicant: Chandler McCormack
NPU-D Council District 8

HELD

08-O-1768 (16) An **Amended** Ordinance by Zoning Committee to rezone from the
Z-08-64 R-5 (Two Family Residential) and R-4 (Single-Family Residential)
 Districts to the R-G3-C (Residential General-Sector 3-Conditional)
 District, property located at **894 Constitution Road, SE (aka 894
 Forrest Park Road)**, fronting approximately 575 feet on the west
 side of Forrest Park Road and the southeast intersection of
 Constitution Road and Forrest Park Road. **(Held 10/29/08)**

Depth: 1,083.49 Feet
Area: Approximately 3.3 Acres
Land Lot: 27, 14th District, Fulton County, Georgia
Owner: Winston L. Knox
Applicant: John A. Bell
NPU-Z Council District 1

HELD

F. ITEMS NOT ON THE AGENDA

08-O-1684 (1) An Ordinance by Councilmember Anne Fauver to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to designate property at **1842 Homestead Avenue** as Single Family Residential; and for other purposes. **(Public Hearing held 9/8/08) (Favorable by CD/HR Committee 10/28/08) (**

FAVORABLE

SUMMARY REPORT
November 3, 2008

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
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FAVORABLE

08-O-1685	Z-08-66	1842 Homestead Ave. (Annexation from DeKalb County into the City of Atlanta) F-6	R-75 (DeKalb County) to R-4 (City of Atlanta)	Approval	Approval	Approval
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Councilmember Shook made a motion to approve. The vote was unanimous.

**FAVORABLE
AS AMENDED**

08-O-0308	Z-08-05	40, 50, 54, 60, 66 Moreland Avenue, S.E. N-5	R-5 to MR4-A-C	Approval Conditional	Approval Conditional	Approval Conditional
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Councilmember Shepard made a motion to approve as amended. The vote was unanimous.

08-O-1267	Z-08-42	2690 Lenox Road, N.W. and 970 Sydney Marcus Blvd, N.E. B-7	RG-2-C and RG-4-C to RG-2-C and RG-4-C	Approval Conditional	Approval Conditional	Approval Conditional
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Councilmember Shook made a motion to approve as amended. The vote was unanimous.

08-O-1765	Z-08-61/Z-06-20	A portion of 3300 Northside Pkwy. N.W. C-8	OI-C and RLC-C to OI-C	Approval Conditional	Approval Conditional	Approval Conditional
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Councilmember Shook made a motion to approve as amended. The vote was unanimous.

08-O-1770	U-08-24	1645 Joseph Boone Boulevard, N.W. J-3	Special Use Permit for a Church	Approval Conditional	Approval	Approval Conditional
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Councilmember Fauver made a motion to approve as amended. The vote was unanimous.

08-O-1771	U-08-26	3605 Campbellton Road, S.W. P-11	Special Use Permit for a Church	Approval Conditional	Deferral	Approval Conditional
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Councilmember Shepard made a motion to approve. The vote was unanimous.

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FILE

07-O-2223	Z-07-105	1280 Chattahoochee Avenue, N.W. D-9	I-2 to MR-5B	File	Denial	File
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Councilmember Sheperd made a motion to file. The vote was unanimous.

F. ITEMS NOT ON THE AGENDA (CONT'D)

ADVERSE

FAVORABLE

Respectfully submitted:

Alfred Berry, Jr., Research & Policy Analyst

The Honorable Ivory L. Young, Jr., Chair
Zoning Committee